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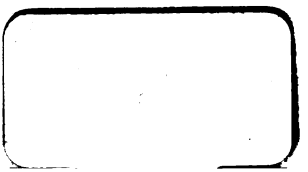

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MEMORIAL ADDRESS

ON THE

LIFE AND CHARACTER

OF THE

HON. JACOB COLLAMER.

READ BEFORE THE

VERMONT HISTORICAL SOCIETY,

IN THE REPRESENTATIVES' HALL,

OCTOBER 20, 1868.

BY

JAMES BARRETT, LL. D

JUDGE OF THE SUPREME COURT.

WOODSTOCK, Vt.
1868

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ADDRESS.

MR. PRESIDENT, LADIES AND GENTLEMEN:

ALTHOUGH the official announcement of my appointment to the present service designated it as "an eulogy," I see that the published official notice of this meeting announces me for "An Address on the Life and Services of Hon. Jacob Collamer." I hence infer that a memorial, rather than an eulogic service will the better answer the proprieties and meet the expectations of this occasion. And this may well be so; for eulogy found free expression from eloquent and adequate tongues in the halls that had been honored by the presence and services of the illustrious dead, while the tear of present grief was dimming the eyes and moistening the cheeks of his surviving fellow senators and statesmen. It was emulously echoed by the many-tongued press of the nation. It was worthily and touchingly repeated in these Legislative halls by those commissioned to give utterance to the deep and universal grief, as well as to the unanimous and cordial "well done, good and faithful servant," of our stricken, yea, doubly stricken State; for within the fleet four months our Foot had followed our Collamer from their lofty eminence on earth, to the bourne beyond the bitter waters.

The article before me is prepared as a sketch to be read, rather than an address to be delivered. While it is too brief for the subject, it is too long for the occasion. It is a kind of forced compromise between the subject and the occasion, and not entirely proper towards either. On account of its

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length, I shall read it very rapidly,—not deliver it as an address, nor pronounce it as an oration. I proceed, then, and remark:

The present service is both sad and grateful—difficult, and yet a duty. The subject was a patron of my early professional life as a Judge of the Courts, and as a partner in business. For more than twenty-five years he was my neighbor and my familiar friend. He was, during all that time, conspicuous for his abilities,—most of the time filling high official positions, and constantly attaining a wider and more emphatic recognition for excellent qualities and character as a public man. I knew him too intimately, too minutely, I was too largely the beneficiary of his kindly favor, and withal, he has passed away too recently for me to be able to think of him attentively, and considerately to pass his life in review, without a sadness that is painful, springing from a fresh sense of personal bereavement. And yet, since he has gone to his higher reward, it is grateful, in this presence, to proffer a memorial tablet of his character and his worth, in the hope of edifying some in the present and in the coming time, to whom he is, and will be, less fully known than he was to me and others who walked the ways of active life in personal association with him.

In the very thoroughness of my knowledge of the life and qualities and character of the subject, lies, in great measure, the difficulty of doing properly the work before me; and this is enhanced by the peculiar sentiments with which he was regarded by me. The public interest in a public man is more begotten by a few leading things he does, his manner of doing them, and the more prominent traits of mind and morals, as indicating ability and character, than by the innumerable lesser things, and the minute interblended elements, that, in their aggregation and combined action, produce the entirety of the recognized, effective, public man. But in this instance, I can take in and appreciate the Jurist, the Judge, the Minister of State, the great

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Senator, only through, and as the result of, my knowledge of him, derived from my personal relation to him, colored by my esteem for him springing from that relation.

The sketch which I may now present may fail, therefore, of finding appreciation and concurrence, in some respects, on the part of those who occupied different positions and held different relations to the subject from my own; and yet, I trust that my touches will not be so tinged with the glow of friendly partiality as to falsify to the general apprehension the picture I may draw.

The statistical biography of Judge Collamer is substantially as follows:

He was born in Troy, N. Y., on the 8th day of January, 1791, one of a family of three sons and five daughters. His father was of Colonial English origin, his ancestry being among the earliest settlers of Massachusetts. His mother was Colonial Dutch. His father was a house carpenter,—not favored in worldly prosperity. He and his increasing family were familiar with the unsupplied wants and destitution of the "*angustæ domi.*" He moved from Troy to Burlington, in this State, when Jacob was about four years old, and there he spent the residue of his life. As Jacob grew along in boyhood, his instinctive impulses, encouraged by the faculty of the College, caused him to aspire to a place in those halls of learning; and he set himself to the work of preparation under the instruction of some members of the faculty, at so early an age as to be admitted in 1806, at the age of about fifteen and a half years. He was the youngest member of his class, save one, the late Hon. Norman Williams,—also the pride and boast, as well as a precious ornament of my stricken town,—who was about nine months the younger. The class, consisting of seventeen, graduated in 1810,—Hon. Timothy Follet and Hon. David M. Camp being of the number. On graduating, he at once entered on the study of the law, and pursued it in St. Albans, under Mr. Langworthy and Hon. Benjamin Swift, subsequently one of our Senators in Congress,

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and was admitted to the bar in 1813. In 1812 he was drafted into the detailed militia service, and served during the period of the draft as Lieutenant of Artillery in the frontier campaign.

On being admitted to the bar, he visited Barre, in the hope of arranging a business connection with Dennison Smith, then already established there as a young lawyer in successful practice. While there, an incident occurred which he used to relate with a mirthful relish. Mr. Smith was to attend a Justice trial in a neighboring town. Young Collamer accompanied him, to avail himself of an opportunity to make his first argument in the trial of a cause. It was in the winter season. He wore a long surtout, and under it, his only suit of clothes. In riding to the Court they got upset, and Collamer's pants suffered such an unseemly rent that he was compelled to wear his surtout throughout the trial. In due time they left, and, on getting to his quarters, he betook himself to his bed, while his friend Smith got the unfortunate breach repaired. With such *début*, he entered upon the career that bore him to the summits of professional and public renown.

Not making the proposed arrangement, he went to Randolph Centre and opened an office, doing such professional work as he could get to do, and helping his meagre income by collecting what was known as the United States "war tax." In 1814, he was aid to General French, and went forward with him, and the forces under his command, to join the army at Plattsburg,—arriving, however, in the evening, just after the battle was over. That night he went on shore in a skiff, to communicate with Gen. Strong, and ascertain and report the situation. In doing this he was fired upon by mistake by the American sentinels, but escaped their balls. He found Gen. Strong wrapped in his military cloak, and lying for rest on the open ground. He informed the General of his errand, and received information of what had taken place, and a communication to Gen. French,

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thanking him for his patriotic efforts and offer, but saying that the occasion for his services had just transpired by the victory of the previous day.

Inducements presented themselves which led Judge Collamer to remove to Royalton in 1816, and there he remained till April, 1836, when he removed to Woodstock to reside during the remainder of his life. In the early years of his professional life he held the office of Register of Probate. On the 15th day of July, 1817, he was married, at St. Albans, to Miss Mary Stone, who still survives, the mother of his seven children, all of whom, save one, are living now. He four times represented Royalton in the Legislature, in the years 1821, 1822, 1827, and 1828. He was State's Attorney for the county of Windsor for the years 1822, 1823, and 1824. At the Commencement anniversary of his *Alma Mater* in 1828 he delivered the oration before the Phi Sigma Nu Society, which was printed by order of the Society. He was a member of the Constitutional Convention of January, 1836, which amended the Constitution by creating the Senate as a branch of the Legislature. That amendment has ever been largely attributed to the ability and zeal with which he urged it.

In 1833, without any prior intimation of such purpose, and without any expectation on his part, he was elected one of the Assistant Judges of the Supreme Court, to supply the vacancy caused by the election of Judge Williams as Chief, to succeed Judge Hutchinson, who had held the place from 1829, as the successor of Judge Prentiss. The Bench was filled by Williams, Chief Judge, Royce, Phelps, Collamer, and Mattocks. Judge Collamer remained on the Bench till 1842, when he declined a re-election. In 1835, Judge Redfield was chosen in place of Mattocks, and in 1838 Judge Bennett was chosen to fill the vacancy caused by the election of Judge Phelps to the United States Senate. On leaving the Bench, he opened an office and resumed the practice of the law in Woodstock, and did not thereafter

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entirely abandon it, except while he was Postmaster-General, and Circuit Judge of Vermont, though, after 1848, he did not hold himself out for general business, nor keep an open office. In November, 1843, he was elected a Representative in Congress, and made haste to take his seat on the first Monday of December following, accompanied, as fellow-members—all newly elected—by Geo. P. Marsh, Solomon Foot, and Paul Dillingham; whose personal and public record since has caused the State to present them, as the mother of the Gracchi did her children, when her Campanian guest requested her to exhibit her jewels.

Judge Collamer, after three elections, declined a fourth, and consequently closed his membership of the lower house of Congress with the 3d day of March, 1849. He was then selected for Postmaster-General in Gen. Taylor's Cabinet, and held the office till the death of the President in July, 1850. In 1849, he was the first of her graduates to be honored by his *Alma Mater* with the degree of *Doctor of Laws*. In 1855 he received the like honor from the venerable Dartmouth. On the breaking up of the Taylor Cabinet Judge Collamer returned home with his family; and, by the legislature that fall, he was elected Circuit Judge under the remodelled Judiciary system, then just going into operation. He was given to understand that he could have his choice to be either Supreme Court or Circuit Judge, and he expressed a preference for the service of presiding in the County Courts. He held that office until he was elected Senator in Congress in October, 1854, to which office he was again elected in October, 1860. He was wearing his senatorial robes with ever increasing dignity and grace, till, on the evening of the 9th day of November, 1865, he

> "—wrapped the drapery of his couch
> About him and lay down to pleasant dreams."

Can rhetoric add aught to the eloquence of such a record as an eulogy upon the man? And yet the occasion properly

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requires that this outline sketch should be rounded into the lineaments of actual life. Within the limits which I have prescribed to myself, I shall proceed, and speak of him with reference to periods, positions, and relations that await ed him, and gave distinctive progression in the making up of the substance of his visible, demonstrated, practical life; and, in so doing, I shall make use of facts as I know them from others, as well as from my own observation, and shall interblend them with such views, speculative and otherwise, as I entertain of him; necessarily giving, at the best, but a hurried and fragmentary delineation of one who would grace, as well as he deserves, a full and carefully written biographical memoir by some able and adequately trained hand. Of course, in many things, I shall but repeat what others have better said.

Of Judge Collamer's childhood and life before entering college I have learned nothing to distinguish him from the children of other poor parents, living in the early growing villages of the State, and getting a scanty subsistence by daily toil. In college he encountered the customary embarrassments of poverty, in a meagre fitting, and in the inability to supply himself with all the needed auxiliaries to the most successful prosecution of a liberal education during his college course.

As a student, in the earlier portion of his course, his boyish propensity for fun and roguish playfulness operated adversely to his assiduity and success in study, not, indeed, indicating a tendency to vicious indulgences and habits, so much as a fondness for annoying his college mates whom he could successfully tease for the amusement of himself and others. In the last two years of his studentship he devoted himself with more assiduity to the prescribed studies and to general reading; and, as boyhood was yielding to the increasing considerateness and forecasts of dawning manhood, he gave clear indications of the superiority that was developed by him in his professional and official life.

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His professional studentship and the first years of his life as a lawyer were subject to the distractions and interruptions attendant upon, and resulting from, the War of 1812. The poverty in which he had been nurtured compelled him to seek employment in matters outside of the field of strictly professional avocation for several years. Hence he did not find himself able to give exclusive devotion to the study and practice of the law till after he settled in Royalton in 1816. The effects of the untoward circumstances that had attended his professional career down to that time appeared in what the Hon. Charles Marsh, then in the glory of his professional ability and fame, said to me of him,—namely, that when Judge Collamer first began practice in Windsor County, his knowledge of the law was about as meagre and inadequate as that of any man of his age whom he had known at the Bar; that he manifested a confidence in his own ability, and a purpose to take care of his cases himself,—that it soon appeared that he was making himself master of his cases, both in their facts and in the law, and justifying his apparent self-reliance in coming before the Courts,—that he soon began to attract the attention and enlist the favorable interest of the more mature members of the Bar and of the Courts; and, in no very long time, he was regarded as one of the most promising, and soon became one of the most successful of the younger members of the Bar.

It is a matter of common knowledge that he rapidly advanced to the front rank in professional popularity, and steadily grew in strength and public esteem till he was elected to the Bench in 1833. He became a leader not only in Windsor, but in Orange County, and, as a consequence, had occasional employment in important causes in other sections of the State. Of the solidity and high order of his merit a conclusive proof consists in the fact, that, on his coming to the Bar of Windsor County, Charles Marsh, Jonathan H. Hubbard, Jacob Smith, Horace Everett, and Titus Hutchinson were in the maturity of their strength, and the full glow

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of their professional fame; and they continued to rule the ascendent till Jacob Collamer became their peer, and Isaac N. Cushman, and Carlos Coolidge, and Asa Aiken, his cotemporaries and rivals, and Andrew Tracy was rising in that distinguished career in which now he has so long sustained himself.

Judge Collamer was not a genius in that undefinable, ideal sense that nobody comprehends, and specimens of which are like angels' visits—men of spontaneous intuitions and preternatural inspirations, that relieve them from the ordinary processes of intellectual cultivation and conscious laborious effort in attaining results that, with most, depend on the voluntary and vigorous exertion of the faculties of the mind. He had genius of a far more appreciable and practically useful character—the genius of success, by dutifully bending all his faculties, by laborious and persistent exertion, to subjects and occasions which his vocation and positions brought in his way and called on him to encounter. The fact stated of him by Mr. Marsh, already repeated, as to his early manifestations at the Bar, is the secret of his vigorous growth to the professional, judicial, and political eminence that he attained—the making himself master of the cases, the subjects, the business that fell to his lot to engage in and carry through. His course as a lawyer, with the discipline to which he was subjected in being associated with, or pitted against, the professional giants of those days, gave him the habits and faculties of mind which rendered him so able and so serviceable in the high official positions that he filled in after life. In native endowments I have known not a few men of as high, and even of a higher order of intellect, both for strength and scope, and of wider attainments, and more thorough cultivation in the line of scholarly study and refinement,—of more of the accomplishments and graces of professional and high official life, who, nevertheless, have come far short of him in the practical results of their life and service,—far short of him in the good they did, in the char-

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acter they established, in the renown, present and posthumous, they achieved.

I propose to devote a little space to the presentation of my idea of his mental qualities and his characterizing traits as a lawyer and a Judge; for, as already intimated, out of these sprung his greatness as a Legislator, a Minister of State, and Senator.

Without any of the qualities designated fancy, imagination, brilliancy, genius, his mind was made up of a clear and ready perception, acuteness of discrimination, a facile faculty of analysis, an aptness and ease in rigid and simple logic, excellent common sense, and, withal, a most tenacious memory of facts. In the exercise and combined operation of these leading faculties, he apprehended and appreciated fundamental principles in law, and politics, and ethics, and religion, with great readiness and justness, and gathered and held in mind large accumulations and combinations of facts relating to, and constituting the substance of, the subjects to which principles were to be practically applied, for the purpose of bringing out just results in reasoning and in actual life. These qualities of mind enabled him to serve and answer all the substantial purposes of professional and judicial avocation, without his becoming emphatically a juridical scholar, in the sense in which we contemplate and speak of Kent, and Story, and Prentiss, and Cowen. He was not indeed widely read or learned outside of what appertained to his cases and the subjects of the law involved in them, and was requisite to be known, in order to a thorough understanding and handling of the cases themselves. In the early period of his practice his library was very limited. Blackstone, and Espinasse's Nisi Prius, and Swift's System, and Chitty's and Story's Pleadings, and Phillips' Evidence (edition of 1820) being his text-books; and Nathaniel Chipman's and Tyler's Reports—they being all of our State reports that were published till 1821, when Brayton, and, 1824, when Daniel Chipman had their reports put in print; and

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Williams' Abridgment, being a digested summary of the cases reported during the golden age of English Judicial law, in the reign of George III. down to 1798, constituting his entire body of reports. What these books contained he *knew*, not as mere matter of recollection—their substance became incorporated as matter of consciousness into the very substance of his mind, which thus became thoroughly indoctrinated and imbued with the foundation principles upon which the superstructure of his professional greatness arose. He was a living and instructive illustration of the difference between "reading law" and "studying the law." His library grew apace as means increased and felt needs required, but was never large—hardly up to what very ordinary beginners and very moderate proficients in the profession would, in present times, deem necessary, at any rate for appearance' sake, if not for use. It is nearly all before me now, as I am writing in my own private office, and constitutes only about one-fourth of the library by which I am surrounded, and which in all is not large.

While he would handle the specific case with ample knowledge of the law involved in it, or bearing upon it, he had not that amplitude of professional scholarship that would have enabled him to write a full treatise on the subject for the instruction of others; and while he had a remarkable faculty and facility of presenting, developing, and applying legal principles with the most direct point and palpable clearness, he did very little by way of analogical illustration drawn from departments of the law not within the direct line of his case. This characterized his views as counsel, and his arguments as advocate, and equally his written opinions as Judge. While in such opinions the very point in judgment is brought out with unsurpassed distinctness, and the direct reasons for the judgment are presented with unequivocal perspicuity, they contain very little besides either for instruction or confusion in the law of the subject outside of the case, and they constitute a barren resource for a pretty

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large class of lawyers who are as greedy for, and are as well content with, the *obiter* learned sloppings of loose and pretentious essays in the form of judicial opinions, as for, and with, the very point and marrow of the case.

For most of the period between Judge Collamer's leaving the Bench in 1842, and his leaving Congress in March, 1849, it was my fortune to be his partner, and to see him much in the preparation and trial of cases in all the higher courts. Before the Supreme Court I have heard him make arguments, which, for the light they shed upon the question in issue, for propriety of treatment, for acuteness of discrimination, and clearness of distinctions, for directness and force of logical reasoning, and for sensibleness and judiciousness of practical application, I have never heard surpassed. As a Lawyer in the County Court, he was one of the most skilled and successful that participated in the conflicts of that arena. He was marked and peculiar in his modes and style. His cases were always tried upon a distinct and comprehensive legal theory, embraced in as few simple propositions of law as would embody and maintain the rights he claimed, and upon as few points, and within as narrow a scope of facts and evidence, as would constitute the material ground and strength of the action or defence.

His discriminating analysis, and his ready and discreet practical judgment enabled him to discern and fix upon the strong and controlling elements of his case, and to them he gave the full force of his efforts, and there rested the fortunes and results of the trial. In so doing he was not accustomed to be over-circumstantial and particular in details, but he trusted rather to the rugged strength of leading facts and comprehensive views. In this way he seldom became tedious or prolix, or weakened the force of those leading facts and comprehensive views by engaging equal attention, and giving equal prominence, to others less important, and by no means controlling. In the conduct of a Jury trial all the details were conformable to this idea. In the examination and cross-ex-

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amination of witnesses his questions were direct, plain, comprehensive, easily understood, easy to be answered by a truthful witness,—and, on the other hand, equally troublesome to one disposed to equivocate or falsify. His questions were put with reference to distinct purposes to be served in the case, and none were put at random, or for the sake of appearing smart, or sharp, or showy. In this way his case was made up so that it was all appreciable by the triers—by the jury as well as by the court; all easily kept track of it in its progress, and understood it as it went along. Having a clear theory of the case, he marshalled the evidence with reference to the carrying out of that theory, and securing the utmost advantage by making the evidence operative towards the desired result in its greatest force. Often such a mode of putting in the evidence supersedes the need of much argument, for its significance, and application, and proper office have become apparent in its progressive introduction.

Judge Collamer's style and mode of address and argument to Juries were peculiar and characteristic. They were the natural outcome of the characterizing qualities of his mind, and temperament, and disposition. Of his mind I have already spoken. In temperament and disposition he was mild, deliberate and kind. At the same time he was distinct, definite, persistent, and rigorously firm in his notions, convictions and judgment. His spirit was interfused with an appreciative and amiable pleasantry, cropping out often into genuine drollery and wit. This quality, in connection with his tenacious and fully stored memory, gave him a fondness for, and a facility and remarkable success in the use of story, and anecdote, and incident, and humorous turns and applications of speech, not only in social conversation, but in his public discussions at the bar, on the bench, on the platform, and in the halls of Congress. In addressing Juries his purpose seemed to be to lead them to an easy and almost unconscious assent to his views, instead of casting on them the

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burden of conscious effort, in processes of either attention or reasoning. His points were stated with great simplicity and plainness, and the theory of his case was free from all needless complication. Instead of undertaking to untangle and untie the snarls and knots in the details of complicated and contradictory evidence, and out of it to weave a nicely planned web of fine-drawn logic, by processes that none but the acutest and most practised minds could follow and carry through, he presented the leading features of the evidence, brought out by a comprehensive analysis, and showed its force in its general substance, rather than by exhibiting in detail the minute elements of which its substance was made up.

In thus showing its force, as well as making the application of it, he resorted largely to the practice of illustrating by incident, story, anecdote, and humorous sayings, which, at the same time that it interested and amused, helped greatly in the line of his argument to render plausible and satisfactory the leading views which were material to his purposes in the case. Few men have been able to exhibit so much strength of genuine argument in a dress and manner so plain, and so simple, and so easily understood and appreciated by common and unschooled minds, as was Judge Collamer. It resulted hence, that he had an eminent faculty of carrying the Jury along with him, without awakening in them critical questionings, or giving them occasion for processes of independent reasoning on their part, for the purpose of satisfying themselves whether those views were or were not sound. By this mode of presenting cases he often precluded the other side from important advantages, not unfrequently given by the opening of debate upon subordinate points, and pursuing it through the minuter details of the evidence. By this mode he held a great advantage, so far as gaining the favorable audience and consideration of the jury is concerned, as compared with advocates whose manner indicates a purpose to drive the jury to the claimed conclusions and results,—to force them by a kind of imperious, and some-

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times almost defiant urgency, instead of enlisting them under the lead of a pleasing interest, and thus drawing them genially into the adoption of the desired views.

Judge Collamer's temperament and disposition were effectual impediments to his indulging in severity of remark towards adversary counsel, parties, or witnesses. He had no gift in worrying satire, or biting sarcasm. He could command no abusiveness of speech. Still he had a masterly faculty of showing the real character and quality of points, and arguments, and conduct, on the part of those in the adverse interest, and exposing them to the consideration and treatment that they deserved. He was felicitous in the use of amiable burlesque by casual touches, which was, at times, altogether more effective than any amount of bitter taunt, or railing invective.

He seemed not to have cultivated nor aspired to eloquence in his speech, as ordinarily understood. His style was plain, simple, direct, confident, and earnest; yet, often, the matter of his speech, presented in that manner, produced as stirring a thrill, and as deep emotion, as the more ambitious periods and artistic elocution of the buskined advocate.

He was among the most delicately organized in humane sensibilities; and no man, in all the circle of my acquaintance, was more easily touched, or more strongly moved, by scenes and incidents that affect and awaken emotions of pity, of sympathy, and of the domestic and social affections. Such susceptibility rendered him keenly appreciative of the moving quality of the reality of such scenes and incidents; and, at times, he represented them in simple narrative, or by graphic allusion, so as to reach and stir responsive chords in the unschooled heart, without the factitious aid of studied modulations and affecting manner.

I have already briefly spoken of Judge Collamer's leading characteristics as a Judge of the Supreme Court, as shown by the opinions drawn up by him and published in our Reports. It is due to his memory, and to the occasion,

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that I should make a special paragraph upon him as Presiding Judge in County Courts. His mental traits, already spoken of, rendered him peculiarly apt and serviceable in this line of official duty. His mastery of the law in its substantial principles, his large experience in its practical administration at the bar and on the bench of the Supreme Court, his quick comprehension and just estimate of the legal value of facts, singly and in combination, as constituting the grounds and subject matter of actions and defences, his acute and clear discrimination, his facile and exhaustive analysis, his aptness in eliminating the immaterial, and embodying the material in comprehensive, simple, and controlling propositions and points, his tact and facility in presenting them by statement and illustration to the easy comprehension of jurors as well as counsel, and, withal, his instinctive apprehension and controlling sense of justice and right as the true end of law and litigation, his incorruptible integrity, his rigorous uprightness, his decisiveness of opinion and judgment, his firmness in standing by his convictions of the right, both in law and morals, constituted a combination of qualities that enabled him to conduct the administration of justice, through the forms of law and the machinery of courts, with vigor, with promptness, with dignity,—giving law, and equity, and justice free course, to work out their combined results, in modes that accorded to each subordinate department of the judicial system full and free coöperation, securing for the law and its administration, for the Court, and Bar, and Jury, public approbation and esteem, and like approbation and esteem mutually for each other.

He was not, indeed, exempt from the common lot, and, like other great and good men, he exemplified the Poet's aphorism, that, "to err is human." His rulings and judgments, passed in the press of County Court business, without much if any argument, without the adduction of authorities, without time to examine, nor even to consider the questions of every variety that arise spontaneously upon every differing

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combination and state of facts, and require immediate decision, shared the common chances of reversal in the Supreme Court, where such questions are fully argued, and deliberately examined and considered. Yet his rulings, made, as most of them must be by the Presiding Judge in the County Court, upon first impressions, proved to be as rarely exceptionable as those of any other of the Judges in like position. On the whole, the professional and the public judgment of the State concurs in assigning to Judge Collamer an excellency of merit as a *Nisi Prius* Judge, not exceeded, and rarely, if at all, attained by any other. With a disposition to accord full justice to all of the many Judges whom I have known within and without the State of Vermont, I frankly say, that I never saw any other, who, in so many respects, came up to my idea of a perfect *Nisi Prius* Judge as did Judge Collamer.

I have spoken of his kindness of temper and spirit,—of his being mild and kind in temperament and disposition. To some, perhaps to many, who saw and knew him only, or mainly, when he was engaged in official and public service, those expressions may seem not quite appropriate to the subject. By those who knew him intimately in the freedom of social intercourse, they will be regarded as truthful and just in the idea they convey.

Judge Collamer was conscious of his own fixed purpose, and of his unsparing exertions, to qualify himself for, and to deserve, the high positions that he occupied. He was not only aware from external evidence, but was conscious from a sensitive self-appreciation, of his success in these respects. He was fervidly and worthily ambitious, and he felt in full measure his success in realizing his aspirations. He was conscious of his own faithful integrity of purpose, and of his great painstaking to be right in his views, in his opinions, and speculative conclusions. Being free from guile, and innocent of any semblance of instinctive shrewdness or calculating policy, he had great frankness in avowing himself

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whenever occasion prompted, and a plainness very much unvarnished in manifesting his confidence that he was right. Unconsciously to himself, and perhaps, as a natural result of the combined operation of the traits thus hinted at, there had grown upon him habits of personal bearing that often carried the look of complacent and repelling self-assertion, and of manner of speech, especially when officiating in Court, sometimes unpleasantly abrupt, even harsh,—sometimes with an air that caused others to feel it as intentional disparagement of themselves. But those who came to know him more intimately felt small annoyance on this account, for they found that he was full of generous fellowship and geniality, and that such manner was not prompted by invidious jealousy, by unkindness of feeling, or acerbity of disposition.

I think most persons who were in the way of associating with him will bear witness to a fact that is very significant in this respect, viz.: that more rarely than almost any other zealous champion in the lists of high ambition was Judge Collamer heard to speak in disparagement, and still more rarely with unkindness or severity, of others. And although he was not lavish in gratuitous commendation, still he manifested no disposition to do injustice to his fellow-champions on the road to fame. He, indeed, had very definite ideas of the personal, professional, and official qualities and merits of those by whom he was surrounded, and discriminated with a kind of judicial precision between that fame that is born of merit, and that *éclat* which is elicited by artifice and management. While the former suffered no detraction at his hands, he passed the latter without harshness, visiting upon it only merited rebuke when prompted and justified by personal provocation.

It was prominent for notice, and is now worthy of remark, that, notwithstanding his commanding and sometimes austere dignity, his occasional abruptness, his sometimes harshness of manner as Presiding Judge, the younger and in-

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experienced members of the Bar found in him an appreciative friend, who, in Court, ministered to them the kind of aid that inexperience, and diffidence, and embarrassment ordinarily stand in greatest need of, as against the assured strength and practised faculties of older Lawyers. The diffident and embarrassed young Lawyer was sure of a fair field for his case upon its merits in Judge Collamer's Court, and of every facility the Court could properly accord, to enable him to do his best in conducting it. Out of Court he was accustomed to find that the judicial manner had given place to the most winning complaisance, and to the most communicative, and instructive, and amusing sociality. Many a man who came to the Bar during his judgeship has expressed to me his grateful appreciation of the kindness, and aid, and encouragement accorded to him by Judge Collamer during his earlier years of practice in the Courts. And it may not seem out of place for me to say, that, since I took in hand the writing of this article, in conversation with Hon. Julius Converse, he proceeded to say, that he came to the Bar, and opened his office in Bethel, four miles from Royalton, when Judge Collamer was in the full vigor of his strength as a Lawyer,—that himself was not only often called on to encounter him as adversary counsel, but often had occasion to resort to him for relief, in his own doubts and difficulties; that on all occasions, whether in adverse encounter, or in amicable consultation, he found him kind and courteous, and whenever he sought his counsel and advice, he gave it with a most generous freedom, manifesting an earnest interest in rendering all the aid he could. In that conversation Mr. Converse bore emphatic testimony to the correctness of what I have represented as to Judge Collamer's bearing towards the younger members of the profession.

As I have already spoken of his self-appreciation, and of his fervid ambition, I may as well here, as anywhere, add, that Judge Collamer had a sensitive and strong relish for indications and assurances that others concurred with him in

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the estimate which he held of himself. He enjoyed the approbation of others. As one of his most eminent and admiring friends quaintly expressed it,—"It made him feel good." But it ended there. His love of approbation did not constitute a motive, or a means, by which he could be operated upon to relax the faithfulness with which he matured his views and settled his convictions, or the pertinacity with which he adhered to them, or the frankness, sometimes offensiveness, of manner with which he expressed them. Flattery found in him no blind side by which his honesty of opinion, his integrity, his firmness of purpose, could, with success, be insidiously approached. The approbation that he coveted was that which accorded to him the credit to which, for his views, and his conduct in maintaining them and carrying them into effect, he deemed himself entitled. It was approbation that concurred with, and strengthened, his own self-respect, and not that which is trapped for and obtained by policy and craft—by playing the weathercock in the varying currents and fitful gusts of sentiment, and opinion, and policy in the affairs of men, in disregard of personal convictions, in disregard of a vivid sense of personal duty, and in despite towards one's own self-approval. So entirely was he controlled by the idea of conscious rectitude in thought, and opinion, and speech, and act, as constituting the ground and occasion for the manifested approbation of others, that often his manner of expressing such thought and opinion, by speech and act, tended to forestall and preclude the very approbation that he loved so well.

I now proceed to speak somewhat specially of Judge Collamer in that arena in which he achieved his nation-wide renown.

He was but a month lacking fifty-three years of age when he first entered Congress. Up to that time his life of manhood had been assiduously—almost exclusively—devoted to the law, at the bar and on the bench. He had not been known as a politician. His party affiliation had been with

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the Democracy of Madison, and the Republicanism of Monroe, and John Quincy Adams, and Henry Clay. He was a Whig. But so little had he demonstrated his partisanism, that, in the Convention which first put him in nomination for Congress, Consul Jarvis, the then Ajax of the Whig party in Vermont, made vigorous opposition to him, on the sole ground that he had not given sufficient assurance to the public, in his political record, that he was a thoroughly dyed and reliable "Clay Whig." And it was only after a most animated and strenuously sustained encounter in the nominating Committee, that the vote was carried against the Consul's opposition by one majority. Our Senator Morrill, then a delegate from Strafford, as well as myself, then a delegate from Woodstook, has a vivid recollection of that scene—"*cujus partes fuimus.*" Judge Collamer's pupilage in the professed, open school of politics began then. While, indeed, he had the benefit of his general, and professional, and judicial attainments, and of the training of the bar and the bench to habits of patient mental exertion, of keen discrimination, of subtlety and facility in debate, of clearness and precision of statement, of justness and force of reasoning, he was shackled, at the same time, by the peculiar habits—already become a second nature to him—of the bar and the bench,—habits that impede, rather than facilitate progress and success in the more open theatre of political and legislative avocation and service. In his new field, the subjects, in material, in principles, in relations, in applications and results, were not familiar by practical handling,—the modes of legitimate treatment were not familiar by use,—the forum was new, the audience was new. He had not then the advantage which latterly often attends lawyers, and even Judges, who go into Congress, of having divided their prior life between the narrow stage, and meagre presence, and rigorous restrictions of the Court-room, on the one hand, and the political stump, with the unlimited public for an audience,—the rostrum of convention halls, with all the

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interests of candidacy and a campaign depending on the debate and the vote,—the Committee-room, where the programme is devised, and considered, and settled, for enabling the independent freemen to exercise "the bloodbought privilege of self-government through the ballot-box," by voting for candidates prescribed to them, who, if elected, will sustain and vote for measures prescribed also to *them*, by the central knot of party managers, through the machinery of the primary caucus and the more public convention.

Thus entering Congress, he served as Representative six years. He was then Postmaster-General for a year and four months. He was then for four years in this State as Circuit Judge, presiding in County Courts and acting as Chancellor. He was then ten years in the Senate of the United States, when death closed his earthly career at the age of seventy-five years lacking two months. And now hear the summing up by a fellow-Senator, to which all the Senators, and all who knew him personally, or through his public fame, gave cordial responsive approbation:

"Judge Collamer was the Nestor of the Senate. We think that if his colleagues had been called to designate the wisest of the body, the general suffrage would have fallen upon him. On every occasion his opinion had great weight, whether in the open Senate, or in the informal deliberations which often precede the settlement of important measures. He was not a frequent speaker, and he spoke always after mature deliberation; and although always with a consciousness of the weight of his arguments and the value of his judgments, yet without attempt at display, and with no meretricious aids of oratory. He was listened to with a respect and attention seldom shown to speakers in Congress, for every one knew that he spoke only when he had something to say, and that whatever he had to say was worth hearing. Whenever he addressed the Senate, it was always upon matters actually under consideration, and with the purpose of influencing those who heard him. He never

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'spoke for Buncombe.' No man could have a greater contempt for that oratory which is intended to exalt the reputation of the speaker, not to affect the judgment of the listeners."

Thus wrote Senator Anthony of Rhode Island for the Providence *Journal*, on the first announcement of the lamented death. This is verily a rare instance of personal achievement as an actor upon such a stage, and may well claim something more than a summary statement of the ultimate facts. Even the brevity dictated by the occasion for such an article as I am presenting would hardly apologize for passing over this portion of Judge Collamer's life, without some attempt to develop the source and the practical working out of such a result.

I have already remarked, that, out of his peculiar mental qualities, and his characterizing traits as a Lawyer and a Judge, sprung his greatness as a Legislator, a minister of State, and a Senator. I have endeavored to present in brief my idea of those qualities and traits. By tracing him through the debates in which he participated, and the reports which he drew and presented as member of various committees, and the Bills and amendments to Bills which he drew and offered, it will be seen that he was still the Lawyer and the Judge, and something more. The qualities in those respects, which had rendered him so eminent at home, were carried forward, and took to themselves the best qualities of enlarged and exalted statesmanship. To the learned, and astute, and upright counsellor and advocate—to the incorruptible, just, and vigorous judge, in the domain of municipal law, he readily and easily superadded those qualities that are peculiar to the domain of Legislation and Statesmanship—familiarity with constitutional law, national and state, in its history, its principles, its growth, and development, and applications, and results,—with the industrial interests of the nation as the source of supply and wealth, and the basis of trade and commerce, and a main resource of revenue,—with revenue, and finance, and currency,—with public law

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and diplomacy,—with governmental action and administration in all their departments under the constitution and laws, both National and State. With much regret I must content myself now with illustrating him in this respect by hasty references to, without a critical review of, his speeches, and remarks, and reports.

He made his first speech on the 8th day of February, 1844, about two months after he first took his seat in the House of Representatives. In 1842 an act had been passed apportioning representatives in Congress among the several States, the second section of which required that they should be elected by Districts within the several States. The Committee on Elections had reported a Resolution, declaring that "said second section was not a law made in pursuance of the Constitution of the United States, and valid and binding upon the States." Upon that Resolution he made his first speech. Four States had disregarded said second section, as being unconstitutional, and had elected their quotas under the apportionment, by general ticket. The House of Representatives was called upon to sustain, by adopting that Resolution, the course taken by those States, and thus, by its own action, without the concurrence of the Senate, or any other department of Government, definitively to pass upon the constitutionality of a law made by the concurrent action of both Houses and the President. A very important question, involving the power of Congress under the Constitution to control that subject as against the legislation of a State, was also presented. Judge Collamer addressed the House in a brief speech of only ten and a half open leaded pages, with a mastery of the learning appertaining to the subject, with a clearness and precision of discrimination, and with a force of reasoning, that must have satisfied those who heard him, that no ordinary man was challenging their attention, and calling for the ablest to cope with him in argument. That speech prefigured what subsequently proved true—namely, that in the field of Constitutional law, very literally, "a second

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Daniel had come to judgment." In a biographical sketch of Judge Collamer in the *Whig Review* for February, 1849, supposed to have been written by that unequalled scholar, and distinguished diplomatist and statesman, now representing this government at the Italian Court—then his colleague—the Hon. George P. Marsh, it is said, that that speech "had a marked influence on the course of the debate, and, as it is believed, on the subsequent action of some of those States," —all of which, at that time, were electing by districts, in compliance with the law of 1842. And well that might be so; for the argument was as nearly conclusive as argument on such a subject can be. It was only inferior to absolute demonstration.

His next speech was delivered on the 29th of April, 1844, which he quaintly and appropriately entitled "Wool and Woollens." It was made in Committee of the Whole on the subject of the Tariff. In 1840 Vermont produced more wool than any other State except New York; and, in proportion to population, three times as much as New York itself. With the tendency of Congress and the Administration on the subject of protection to home products and manufactures, wool and woollens were of momentous interest to Vermont—to New England—to all wool-growing and woollen manufacturing sections of the Union. An elaborate report of the Committee of Ways and Means, accompanying a Bill, had been made, and twenty thousand extra copies of it had been printed by order of the House for distribution, in which the anti-protection doctrines of the predominant party were elaborately set forth and enforced. Mr. Hudson of Massachusetts had made a Minority Report, which the House, contrary to all precedent and all decency, had refused persistently to order to be printed. It was in this conjuncture that Judge Collamer made his second speech. As a history of the wool and woollen interest in this country, I know of no document in the public archives, which, in such comprehensive and intelligible form, gives so much curious and

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practical information on the subject. Interwoven with that feature of the speech is a clear and concise summary of the national legislation, and its operation and effect upon those interests. The speech then proceeds in a clear discussion of the subject, with reference to the constitutional power of the government to accord protection by means of duties on imports, and to the effect of the proposed legislation upon the industrial interests of the country,—its effect with reference to revenue, and finance, and commerce. In this speech, more fully than in the former, he manifested his ability and his disposition to master all the material that made the substance of the subjects of consideration and proposed action. In this speech, as fully as in the former, he showed his ability and his faculty for mastering constitutional and statutory law in its history, and principles, and legitimate applications, and practical results. In this speech, as fully as in the former, he showed his power of logical, and sensible, and effective reasoning. Those two speeches constituted an epitome and a very distinct foreshadowing of what he approved himself to be, with ever increasing scope, and faculty, and strength, and weight of consideration, and effectiveness of influence, in the halls of Congress, throughout his service there within the succeeding twenty years of his public life.

I have dwelt more at length on those two speeches to relieve occasion for speaking with particularity of many other of his public demonstrations. From the impression made by them, high consideration was at once accorded to him in Congress. He held an important position as member of the Committee on Public Lands, and was chairman of it during the 30th Congress. He gave himself with unsparing assiduity to the subject, and became the leading mind in Congress in devising the proper policy, and maturing proper measures, for the administration of the immense national domain. His powerful and unanswerable arguments in a speech not published, except in a meagre note in the daily reports of Congressional proceedings, are said to have been

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largely instrumental in defeating the iniquitous graduation bill of 1846. The subject and object of that bill were kept on foot, and pressed by all the means that greedy speculators, and greedy demagogues, and the zealous and selfish champions of supposed sectional interests, could bring to bear, from session to session, till, on the 23d day of June, 1848, Judge Collamer, as Chairman of the Committee having the matter in charge, made a Report that stands conspicuous as an exhaustive and unanswerable treatment of the whole subject, that embodied and illustrated the principles and views in conformity with which the Government proceeded to adopt and execute a practical system for the administration of that priceless domain. The system of mapping the then twelve landed States, and thus bringing before the eye the real location and the market *status* of every section, was originated by him. The character and value of his services in reference to this great National, as well as sectional, and personal interest, is worthily indicated by a letter of Richard M. Young, the Commissioner of the General Land Office, dated January 1, 1849, addressed by him to Judge Collamer, on learning that he had declined longer to be representative in Congress. It is worthy of perusal by every citizen of Vermont. I must not consume time by reciting it. It is printed in the number of the Review before named.

In the course of the remarks in Congress upon the announcement of Judge Collamer's death, Mr. Greider of Kentucky, who was his fellow-member of the House, with reference to this department of his services said: "But I need not speak of his record. It is before the country. It is recognized with delight and pleasure, not only in his own neighborhood, but well understood and gratefully appreciated in the West." And Mr. Wentworth of Illinois also said: "He distinguished himself for his kindness and fatherly care of the new States. While he scrupulously canvassed all our measures, and opposed those

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which he deemed extravagant, yet he may have been considered a very liberal man to us, and I could mention many works of Western improvement that stand out as monuments of his justice and foresight."

Judge Collamer, while a member of the House, engaged somewhat sparingly, though always effectively, in the debates. He made characteristic speeches on the annexation of Texas, on the Mexican war, and other, than the one already named, on the subject of the Tariff. It was in his speech of January 23d 1845, on the annexation of Texas, that he reciprocated the compliment of Mr. Dean of Ohio, who had taken occasion to say of the Northern people, that they "were degenerate sons." To which the Judge responded: "There was one piece of intelligence which that gentleman has given us, which, after what he had before said, was as gratifying to us as it was important to him, that is, that he was not a son of New England. Therefore I suppose it is to be concluded that he has not degenerated, but that he really never was any better or wiser than he now is."

I recollect an instance, though I have not the record of it before me, in which he visited upon Mr. Douglas a similar response. Mr. Douglas, in the course of a partisan debate, had undertaken to gild his glorification of himself and the West, by an ungracious and unprovoked disparagement of Vermont—his birth place, and the home of his childhood and youth. The Judge reminded him of the character of that bird that would foul its own nest, and expressed the satisfaction which Vermont had occasion to feel, after such a demonstration of his nature, that he so early migrated to a more congenial clime.

I note another instance, in which Mr. Paine of Alabama, who had for the fifth time repeated the substance of a favorite speech against a protective tariff, was suddenly flattened by one of Judge Collamer's anecdotic hits—which, to be sure, needs his inimitable manner to give it its full effect. He said that, "with reference to the gentleman's speech,

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I am somewhat in the condition of the parishioner, who, on the way home from the forenoon service, was asked by his pastor how he liked the sermon. He replied: 'Well, Pastor, I always did like *that* sermon.' So I can say: 'I never did like that speech.'"

Passing from his career in the House, I must notice him as Postmaster General only by quoting the language of our present distinguished Minister to the British Court, who, as Attorney General, was, with Judge Collamer, a member of Gen. Taylor's Cabinet, and who, at the time of Judge C.'s decease, had been a Senator with him for several years. In his eulogy in the Senate he said: "Those who are acquainted with his administration of the Post Office Department during that time, know that in all respects it was admirable. Its vast and complicated business throughout his administration was never more ably conducted;" and the language of Mr. Wentworth of Illinois, who said: "And if the history of the Post Office Department is ever written, his administration will be noted as economical, cheap and honest; and he will stand equal to, if not ahead, in this respect, of the purest men who have ever adorned the National Post-Office."

Judge Collamer's Senatorial career began with the 1st session of the 34th Congress, December 3d, 1855. He was then placed on three Committees, viz. on Territories, on the Post-Office, and Engrossed Bills. The first two were among the most important of the Committees. As a member of the first named of them he became very conspicuous. His first demonstration in debate was on the 4th of February, 1856, on the presentation of the memorial of a Lieutenant Reill of the Navy, in making which, he expressed his views of the action of the President and the Naval Board in placing the Lieutenant on the retired list. This brought out Mr. Benjamin of Louisiana, who "had a bone to pick" with Senator Toombs, for some remarks he had previously made on that subject. After noticing Mr. Toombs, he paid

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a passing notice to the views expressed by Judge Collamer, who rejoined, by restating, and, with point and force, briefly maintained the views he had at first presented, giving therein the astute, and brilliant, and subtle Senator, a slight inkling of what, for his purposes, he found a good deal too much of in Judge C., during their association in the Senate.

On the 6th of March in a debate on the subject of abrogating our treaty with Denmark as to *Sound Dues*, which was opened by Mr. Sumner, and enlisted Senators Mason, and Seward, and Fessenden, and Toucey, and Stuart, and Cass, and Clayton, Judge Collamer made a characteristic argument, which, for nice yet substantial distinctions and for unanswerable reasoning, was not equalled by that of any other Senator who engaged in the debate. In reply to a question, followed by an impertinent officious suggestion of Mr. Mason, he slapped the patronizing impudence of the arrogant Virginian thus: "It did not require the Senator's precautionary notice of the consequences that are to follow from my answer, in order to enable me to make that answer."

On the 12th day of March, 1855—a memorable day in the history of the United States Senate—Mr. Douglas, on the call of Mr. Butler of South Carolina, read, standing by the Clerk's desk, the majority report of the Committee on Territories, on affairs in Kansas—occupying two hours in the reading. Judge Collamer, of his own motion following the example of Mr. Douglas, standing in the same place, read the report of the minority—he being that minority—occupying one hour. On the conclusion of the reading, Mr. Sumner arose and said: "In those two reports the whole subject is presented characteristically on both sides. In the report of the majority the true issue is smothered; in that of the minority the true issue stands forth as a pillar of fire to guide the country. The first report proceeds from four Senators; but against it I put fearlessly the report signed by a single Senator—Mr. Collamer,—to whom I offer

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my thanks for this service. Let the two go abroad together. Error is harmless while reason is left free to combat it." The two reports were printed.

On the 20th of the same month Mr. Douglas addressed the Senate in a speech that covered nine pages of three columns each in the quarto Globe, " in vindication of the majority report, and in answer to that of the minority," as he expressed his purpose. Owing to ill health, Judge Collamer was not able to reply till the 3d of April, when, in a speech running through two days, and covering thirteen pages of the Globe, he elaborated and maintained the views of his minority report, and, at the same time, he dissected the report of the majority, and the speech of Mr. Douglas, and made answer thereto, in a manner that caused consternation among the hosts of Slavery, and cheered the hearts of the champions of Freedom.

After that report, and that speech, his qualities and character, intrinsically, and in comparison with the debaters and statesmen with whom he was associated, were no longer the subject of question, especially in the American Congress. No one encouraged himself with the expectation of ultimate triumph, or even of a temporary advantage over him, on the score of superior ability, or knowledge of the subject, or dexterity or effectiveness in debate, upon the great themes that were engrossing the entire mind, and the most momentous interests of the country under the Constitution, and as affected by the action of Congress and the executive administration.

In July, 1856, he made a brief speech upon the proposed admission of Kansas. On the 9th of December following, he discussed, with reference to the President's message, the subject of the control of the Territories by the general government in respect to Slavery; and he therein made a most exhaustive and telling review of the Slave Power, in its history, its claims, its true character and relations under the National and State Governments, which he closed with a

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fancied "Declaration of Independence," to be made by the people of the Slave States, in case they should secede for the reason that the Government, for them, would not carry Slavery into the free Territories. That conceit, for truthfulness in its substance, and burlesque in its making up, has rarely been equalled in our language. It is eminently Hogarthian in the quality of its satire. It is painting in words, as Hogarth did in colors.

On the 18th of February, 1858, he made a minority report, signed by himself and Mr. Wade of Ohio, who had recently become a member of the Committee on Territories, on the subject of what, in those days, was well understood by the designation, "the Lecompton Constitution." On March 1st and 2d following he made an elaborate speech upon the bill under consideration to admit Kansas with the Lecompton Constitution. In the course, and in the latter part of that speech—on pages 16 and 17, he discusses the question as to the true character of slaves as property under the Constitution of the United States—whether it is recognized and protected the same as other property; whether the Constitution makes slaves property beyond the territorial jurisdiction of the States in which Slavery, as an institution, exists by virtue of State constitution and laws. I know of no higher specimen of juridical argumentation on a question of Constitutional and Common Law combined. It was encountered by one of the strongest efforts of Senator Benjamin—himself one of the ablest and most accomplished jurists and debaters in the nation—by way of dissection, and criticism, and answer, and it stood the ordeal entirely unimpaired. Mr. Hurd, in his learned and elaborate work on "the Law of Freedom and Bondage," vol. 2, p. 581, refers to this debate, and quotes, and makes a learned comment upon, this discussion between the two distinguished Senators, in which he shows, that, what Mr. Benjamin charged to be the *fallacy* in Judge Collamer's argument is sustained by Lord Chancellor Northington, Lord Mansfield, and Mr. Hargrave, and,

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in the main point, is not controverted by Lord Stowell, whom Mr. Benjamin had quoted as an authority against him.

On the 27th day of April, 1858, Judge Collamer made a brief speech on the report of the Committee of Conference on the part of the two Houses, with reference to their disagreeing votes upon a bill under which Kansas might become a State.

On the 21st of February, 1859, he made an elaborate speech upon a proposed acquisition of Cuba, with the view, and for the obvious purpose, of giving additional strength and stability to the Slave power in the government.

On the 8th of March, 1860, he made another, and one of his most elaborate speeches, upon a resolution introduced by Senator Brown of Mississippi, and a counter amendment proposed by Senator Wilkinson of Minnesota, by which was directly raised the question of the right of a slave holder to hold his slaves in the Territories of the General Government; and of the duty of the Government, in creating States out of such territory, to make provision for the holding of such slaves therein. In the course of that speech he examined, with a most searching scrutiny, the leading pro-slavery doctrines promulgated in the opinions of Judges of the U. S. Supreme Court in the Dred Scott case, and therein he elaborated and fortified, in the face of Senator Benjamin, the doctrine and the argument of his speech of the year before, on the subject of slaves as property.

This was the last of his formal arguments on the subject of Slavery. I have thought proper thus to notice his more public and distinguished efforts in this line, for the reason that, by the position assigned him, he became the counter-champion of the author, and foremost advocate, and controlling spirit of the repeal of the "Missouri Compromise,"—which act of repeal made Kansas the battle ground of the raging conflict between Freedom and Slavery, and led to the political crisis of 1860,—in which crisis the Democratic party split with reference to the claimed exclusive domination

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of the Slave power in it;—in which crisis Freedom girded herself with the mightiness of truth and righteousness, and put forward the noblest of her sons, with the shield of the Constitution, to bear her banner, inscribed with the consecrating principles of the Declaration of Independence, and led her hosts to the strong hold of power,—in which crisis the demon of human bondage, besotted with the wine of its own iniquities, and maddened by its failure to grasp the sceptre of control—"Cried, Havoc!—and let slip the dogs of war."

It seems to me eminently proper that I should direct attention to the more marked traces of this his line of service, because it is beyond doubt, that, after the passing of that act of repeal, Judge Collamer dealt the earliest, the best directed, and the most telling blows upon the helmets and heads of the champions of bondage on the soil of Kansas, of any who came up to the help of Freedom. The triumph was consummated on the 31st of January, 1861, by the admission of Kansas as a free State.

Many, perhaps all of my audience are aware of the views entertained by him on the subject of Slavery in this country;—that while he abhorred it in its inherent nature and qualities—in its religious and moral aspects and relations—in its social and domestic influences and effects, and in its political operation, still, he regarded it as being recognized and tolerated by the Constitution of the United States within the States where it was existing by force of their Constitutions and laws; and that, under the National Constitution, the General Government was not authorized to interfere with the institution, and that it was the province, if not the duty of Congress, to make provision by law for securing the rendition of fugitives from service, in pursuance of the provision in the Constitution in that behalf. He had a most controlling sense of the duty of every department and officer of the government, scrupulously and exactly, to conform their action to the requirements of the Constitution and the laws enacted in accordance with and under, its authority.

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While he, therefore, conceded to the Slave States, and to the slaveholder, all the rights created and accorded by the National and State Constitutions and laws, he stood firmly, heroically, defiantly, upon the very threshold, against the egress of the monster evil beyond the strictest limits of its legal fortress. Though he was not an Abolitionist, in the sense and idea of asserting the right in the General Government, by the ordinary process of legislation and executive administration, in time of peace, to affect slavery in the States where it was constitutionally and lawfully existing, or of asserting a right on the part of individuals to interfere with it in violation of the laws securing for it immunity, yet he was most decisively, boldly, and persistently Anti-Slavery in his detestation of it for its moral infamy, and in exerting the utmost of his watchfulness and ability against its encroachment on the proper domain of freedom. For all the facts, for all the law, for all the substantial argument bearing upon the historical, the constitutional, and the legal character and aspects of the subject, I know of no so full and rich a magazine, as the Reports and Speeches of Judge Collamer, to which I have now called attention.

This strange drama, initiated, as its first act, by the repeal of the Missouri Compromise, having passed through its second act, in the fruitless attempt to enslave Kansas, and consecrate slavery in all the Territories of the Government, then entered upon its third, in which Secession rushed upon the stage, careering in the chariot of Mars, and brandishing "with red right hand" the gleaming sword of fratricidal war. The Government was shackled and enthralled as by a nightmare's spell. "The Public Functionary" at the executive head had become the most unnerved inmate of "Doubting Castle." Meanwhile the enginery of human slaughter was brought to bear upon the unfurnished fortresses and unprepared forces of the National Government. The South was frantic with madness. The North was confounded and staggering with wild bewilderment. Congress, abandon-

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ed by almost all of the delegates from the seceding States, was the only resource—the only hope—till the fourth of March should bear to the Presidential chair a new public functionary in place of the old; and then its duties continued to be not less difficult, not less momentous, not less oppressive, during the four years through which the nation's soil was fattened by the bloody deluge that surged over it during the great rebellion. Through that third act of the strange drama Judge Collamer's position and part were as conspicuous and important, and they were as bravely and worthily maintained, as through that which I have designated as the second act.

Time would fail me in tracing him in detail through his course from the beginning of the session on July 4th, 1861, till the close of the 38th Congress—the last in which he served. I shall only touch upon a few prominent and characterizing land-marks.

The Bill reported by the committee on Commerce in the House of Representatives, on the 9th day of July 1861, "further to provide for the collection of duties on imports and for other purposes," was drafted by him. It was passed by the House and sent to the Senate, where, after being debated, it was passed in concurrence on the 12th. He made a brief speech setting forth the grounds of necessity and the purposes of the Bill, and, among other things, the necessity of stopping intercourse with the inhabitants of the States that countenanced, and did not suppress the insurrection; and, to that end, the necessity for the seizure and forfeiture of their property. He closed his remarks by saying: "that this Government never can suppress, the insurrection, when a State countenances and supports it, but by virtue of such a law as this; and, if we cannot make such a law, we must give up the doctrine, that the United States can suppress an insurrection that a State countenances." The bill was passed in the Senate by a vote of 36 to 6. It was approved and became a law July 13th. Mr. Sumner, in his

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remarks in the Senate on the formal announcement of the death of Judge Collamer, said :—"The great act of July 13th 1861, which gave the war for the suppression of the rebellion its first Congressional sanction, and invested the President with new powers, was drawn by him. It was he that set in motion the great ban, not yet lifted, by which the rebel States were shut out from the communion of the Union. This is a landmark in our history, and it might properly be known by the name of its author, as "*Collamer's Statute.*"

Throughout the residue of his Senatorial life he gave the full strength of his great abilities, inspired by a fervid and rational patriotism, to the devising, and maturing, and carrying through of all necessary and proper measures in reference to the army, and navy, and the civil service,—in reference to the insurrectionary condition of the country, and to the state of war between the people of the seceded States and the national Government, as well as to the peculiarity of our foreign relations induced thereby.

While he stood stanchly by the Constitution in all of its provisions of granting, and withholding, and limiting the powers of the General Government, and of the various departments of it, he recognized and accorded to the government, and to its executive, military and law making departments, the prerogatives and rights which a state of war, waged against the Government, confers by virtue of the public laws of war. In some remarks made on the 1st of August 1861, upon a bill to suppress insurrection and sedition, and for other purposes, which, for various assigned reasons, he disapproved, he indicated the character and scope of those "laws of war," in their application and operation in our then condition, with his accustomed comprehensiveness of statement, and clearness of discrimination; and showed that those laws rendered needless and ill-advised the fragmentary and inadequate legislation proposed by that Bill. His views afforded great countenance and support to those departments of the Government immediately charged with the forcible

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suppression of the rebellion, against the carping, and criticism, and denunciation of the captious, and the rebel-favoring demagogues and traitors of the north, on account of arrests and imprisonment of persons, and for the seizure, and use, and destruction of property, for which there was to be found no specific statute, nor express provision in the letter of the Constitution.

In a well considered and very able speech delivered on the 24th of April 1862, in opposition to a "Bill to confiscate the property and free the slaves" of certain classes of rebels, he elaborated, and rendered very palpable, the distinction and difference between forfeiture and confiscation, on the one hand, in pursuance of statutory law, as a consequence and punishment of certain acts declared by that law to be crimes, and the seizure and destruction of property, on the other, as a military necessity, and authorized by the laws of war. And though that speech occasioned some disapproving criticism, and some querulous comment, on the score of indicating a short-coming in the matter of patriotic zeal, still the principles then enunciated and developed, and the deductions therefrom in the argument he then made, stand now upon immovable foundations; and his views of policy, as indicated by his proposed amendment, and illustrated in his speech, have never been successfully encountered.

I shall be pardoned for reciting a paragraph from that speech, it is so characteristic, and so strikingly exhibits some of the moral qualities of his public and personal character. After he had fully opened and illustrated his views of the principles involved, and the necessary results that would flow from the passing of that Bill, he proceeded and said: —"It seems to me, obtuse as I am, perhaps, in my perceptions—that this is directly interfering with this plighted faith; and it seems to me further, that it is in direct violation of the provisions, prohibitions, and securities, which the Constitution enacts. I, for one, will not do it. I do not regard myself as needing any apology for not doing it. I

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do not think my people wish me to contribute to breaking any provision of the Constitution; and they know I would not do it if they did wish it; nor do they need any apologies from me for regarding the oath I have taken."

Verily, these words answer to the wise man's idea of "apples of gold in pictures of silver." Here, in brief, is condensed and crystallized the real character of Vermont, and the relation between her and her representative men, as well as the real character of him who uttered the words. That paragraph is more redolent of eulogium upon the State, than it is of the assertion of conscious virtue on the part of the Senator.

His only other formal and elaborate speeches in the direct line of the action of the Government in managing and suppressing the rebellion, and restoring the proper relation between the National Government and the revolted States, were made, one on the 16th day of January, and the other on the 4th day of February, 1865.

In the former he supported, with great earnestness and power, a Bill introduced at that time by himself to repeal the 8th section of an act that had been passed in his absence on account of sickness in the month of July preceding, by virtue of which section an immense trade in cotton was going on between agents appointed by our Treasury department, and inhabitants of the rebel States, from which the principal money resources were realized by the rebel power for prosecuting the unholy war; from which, also, vast sums lodged in the pockets of avaricious and unscrupulous speculators and agents; and by which, at the same time, corruption of the most shameful character was engendered and cherished in government officials, extending even to officers holding high commissions in our military service.

The object of that repeal was to put an end entirely to that traffic, and to carry out the designed effect of the act of July 13th 1861, and his views in reference to intercourse with those States, before quoted. I cannot pause to devel-

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op the history of executive views and action, and of the views and action of Congress, and of the interests and influences that affected them, which produced the condition of things that led to the proposition to repeal that 8th Section.

The other of those speeches—that of February 4th 1865, —was the last effort of elaborate discussion that Judge Collamer made. In a month from that day the last session of his life in Congress closed. It was made upon a joint resolution, declaring that the rebel States were not entitled to representation in the vote for President and Vice President, and that no electoral votes of any of said States should be counted in the then pending count. It was claimed that, as Louisiana had reorganized, and had cast her vote in the Presidential election, she should be excepted from the Resolution.

Mr. Trumbull said, that, "until there be some action of Congress recognizing the organization which had been set up in Louisiana, the votes cast in that State ought not to be counted." Mr. Ten Eyck of New Jersey insisted that none of the States had been out of the Union—their governments had only been in abeyance—that when any of those States set their governments in action anew, and commenced to revolve in their old orbits, they were entitled to all privileges and rights of the people of the United States.

Thus was foreshadowed the question, out of which has grown the most portentous struggle between the Executive and Congress, and between statesmen and politicians, and between the leading political parties, that has ever convulsed the country and threatened its welfare, viz. whether it is the province of Congress under the Constitution to control the reconstruction of the seceded States.

That resolution was reported by the Judiciary Committee, to whom it had been referred on coming in from the House. On the 31st of January, it was taken up as in Committee of the Whole, and a running debate was kept up, with various proposals of amendment, in the course of which

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Judge Collamer, on the 2d of February, in a few remarks, intimated his views and suggested an amendment, rather of form than of substance, so far as the specific case was concerned, which closed with a form of expression that directly and explicitly asserted the doctrine upon which Congress has has proceeded to assert the right to exercise control in the matter of reconstruction, viz.: "that the people of none of the rebel States were empowered to elect electors of President and Vice President, until said condition of insurrection should cease, and be so declared by virtue of a law of the United States."

Reverdy Johnson followed Mr. Collamer; and, on closing, Mr. Cowan, of Pennsylvania, said he should like to hear him speak to the question, "suppose the rebellion to be entirely suppressed, is it necessary then, in order to restore them to their rights in the Union, that we should enact a law that it was suppressed?" Mr. Johnson said he was not prepared to say that; though his own opinion had been throughout, that the States were not out (of the Union) in one sense, and if all the inhabitants were to throw down their arms, admit their allegiance, and elect members of the Senate, &c., after the rebellion was entirely terminated, perhaps they would be entitled to their seats; but he was not prepared to say whether he should hold that opinion on examination or not. Judge Collamer only responded thus: "According to my view, when a state of war has been declared to exist—declared according to law—we cannot recognize a state of peace and reconciliation in any other way but declaring it by law, or authorizing the President to declare it by law." This is a model formulary for stating a most important and fundamental principle in the subject of this great struggle.

The debate run on through the day of the 2d and far into the 3d of February, when Judge Collamer formally offered his suggested amendment. Mr. Johnson thereupon proceeded to propound his ideas in more full and explicit statement, to the effect that, as the President by his procla-

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mation under the act of July 13, 1861, had, by declaring the States to be in rebellion, deprived them of the right of electing Electors, so, if, by proclamation, he should declare the rebellion ended in any of the States, such States would be entitled to be represented in the Electoral College and in Congress, without any other act.

Judge Collamer responded, rather by way of an explanation of his particular purpose in the proposed amendment, and therein said: "Congress alone under our Constitution has the power to declare war; and therefore Congress alone has power to define what shall be a condition of war with any of our own States. Congress did this in the act of 1861. * * * * It seems to me that Congress, who defined in the act of 1861 what should be a condition of things which should put the inhabitants of a State in a state of insurrection against the Government, can alone define and decide upon that condition of things which shall restore a State to its allegiance." He added: "That seems to me to be untying the knot in the manner in which it was tied."

After a little more from him by way of reply to inquiries put to him by several of the Senators, Mr. Johnson took the floor, and, in one of the most vigorous efforts of his great abilities, he maintained the views that he had before put forth, and made war upon the views and positions stated by Judge Collamer. He occupied the rest of the day. On the next day, February 4th, Judge Collamer replied in the speech already named—his last as Senator. In it he maintained his own views and positions as against those, and the argument, of Mr. Johnson, with a mastery of facts, with a basis of principle, with an astuteness of discrimination, with a force of logic, and with a fervor of patriotic zeal, not surpassed by any effort of his life. Like the speech of James Otis in 1760, on the subject of "Writs of Assistance," in which he embodied in definite proposition, and maintained with unanswerable reasoning, aglow with a burning zeal for the right and the just, as well as for the politic and prudent,

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the principles that passed into the maxims, mottos, and watchwords, upon which the Revolution was organized and carried through—like that speech of James Otis to the Revolution, so this of Judge Collamer stands to the present raging conflict. The result I trust will not prove unlike. I had thought to make extracts from it, but must refrain, except so far as they are embodied in Mr. Sumner's eulogy; of which I trust for pardon for introducing a little portion.

After having drawn in a most graphic and vivid manner, the scene, coming, as he said, "clearly within the domain of art," of Douglas, as before related, reading the Majority report on Kansas at the Clerk's desk, and Judge Collamer reading his at the same place, and John Slidell occupying the President's chair, "sitting behind like Mephistopheles looking over the shoulder of truth, while the patriot Senator, standing before, gravely unfolded the enormities which had been perpetrated"—"the brightest and most glorious moment of his long life"—Mr. Sumner proceeds thus:

"The other signal occasion when he showed much of the same character, and was surely inspired by the same sentiment, was during the last year, when the illustrious President, who now sleeps in immortality, undertook, in disregard of Congress, and solely by executive power, to institute civil governments throughout that region of the Union where civil governments had been overthrown. Who can forget the awakened leonine energy of the aged Senator, when, contrary to his custom, he interrupted another in debate to declare his judgment against the power of the President to institute permanent civil governments 'to last beyond the war.'"

"This interjected judgment was afterwards developed in a speech, which, for sententious wisdom and solid sense, is, perhaps, the best he ever delivered. It is not long, but, like the Roman sword, it is effective from its very shortness. He spoke with the authority of years, but he spoke also with another peculiar authority, for it was he who drew the act of Congress which placed the rebel States under the ban.

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Positively, earnestly, and most persuasively he insisted that Congress should not abdicate its control of this question. His conclusion was repeated again and again. It was for Congress, he said, to say when that state of things existed which would entitle the rebel States to perform their functions as integral parts of the Union. It was for Congress to decide this question, and not for the President, except so far as the President unites in an act of Congress by his signature. And he asks, 'When will and when ought Congress to admit these States, as being in their normal condition?' To which he answers, 'It is not enough that they stop their hostility and are repentant. They should present fruits meet for repentance. They should furnish to us, by their actions, some evidence that the condition of loyalty and obedience is their true condition again, and Congress must pass upon it, *otherwise we have no securities.* And I insist that the President, by making peace with them—if you please, by surceasing military operations—*does not alter their status until Congress passes upon it.*' Then again, filled with the thought, he exclaims, 'The great essential thing now to insist upon is that Congress shall do nothing which can in any way create *a doubt* about our power over the subject.' And still pleading against executive interference, he says, 'I believe that when re-establishing the condition of peace with that people, Congress, representing the United States, has power, in ending this war, as any other war, to get some security for the future. It would be a strange thing if it were not true, that this nation, in ending a civil as well as a foreign war, could close it and make peace by obtaining, if not indemnity for the past, *at least some security for the future peace.*' This was the last speech of our patriot Senator. It is his dying legacy to his country. Let all, from President to citizen, heed his words. The aspiration so often expressed to-day that he were now alive to take part in the restoration of the rebel States is fulfilled. He lives in his declared opinions, which are now echoed from the tomb."

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To those who would understand the subject in its principles, in its history, its original occasion and substantial merits, I would commend an attentive reading, not only of Judge Collamer's speech, but of that whole debate.

On the 20th of January, 1864, a year prior to the speech last named, he made a speech, which, in its qualities and character as a legal argument, is, perhaps the very best of his forensic efforts. Mr. Sumner, on the 17th of December, had proposed a rule of the Senate, requiring its members in open Senate to take the oath prescribed by the act of July 2, 1862. If adopted, it would operate only on Mr. Bayard, one of the Senators of the State of Delaware. It had been the subject of discussion from time to time, and Mr. Bayard, himself one of the ablest lawyers in Congress, had put forth the utmost of his ability. The speech of Judge C. was mainly a reply to him, and of course covered all the substantial ground of debate. It exhausted the subject in an argument that answered all opposing views and left no ground for successful reply. It is worthy of study. Neither this nor any subsequent speech was printed in pamphlet. They may be found in the Congressional Globe.

I shall notice but two other of his speeches—one on the subject of National Banks, as a substitute for, and a forcible supplanting of, the old system of State Banks; the other on the subject of Treasury Notes—"Greenbacks"—the making of them legal tender.

They were both received with some show of discountenance by men who are accustomed to regard party policy, when once adopted, as absolute in its supremacy over the right of private personal judgment, as to measures settled upon by the party for carrying such policy into effect. Of course, they were disapproved by those who favored the proposed measures upon conviction and judgment honestly entertained. Of the former of those speeches I have only to say, that it is characterized by the usual ability with which its author was accustomed to do such service. Of the subject, either in

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point of principle, or of policy, I have no knowledge. The present currency I suppose serves to me the same purpose that the old bank bills would, if they had continued to be the paper currency of to-day. I suppose it would have taken $140 of them to buy $100 of gold.

The latter of those speeches, in my judgment, has remained impregnable against all attempted answers down to the present moment; and I think that the public judgment, affected by the experience of the intervening period, with something more than silence now approbates the principles and views therein maintained. Whatever temporary benefit may have resulted at the time from the measure, it is certain that the public credit has suffered a serious wound, in having the government's 'promise to pay,' with the authoritative provision that that promise shall be equal in value to the same named sum in gold or silver, humiliated in the market and mart by being treated as worthless for one third, (more or less,) of the sum expressed upon its face. It is also certain that confidence in the good faith of the Government is seriously shaken by the propositions, coming from diverse potential sources, that the government may, and will, meet its promises to pay in gold, for money borrowed, by those depreciated *Greenbacks*. If that should prove to be so, innumerable will be the multitude that will have reason to deprecate such a pretext and instrument of iniquity.

Certain it is, too, that troublesome and perilous complication and embarrassment are, by this subject, incorporated into, and cast upon, the pending struggle for the restoration of the government from the disorganization and evils produced by the rebellion—weighing largely, in my judgment, against any temporary advantage that may have resulted from disregarding the lessons of history, adduced in illustration of the permanent principles and irreversible laws of currency, and finance, and public credit. The direct and incidental consequences flowing from that act, already experienced, and the possible consequences of which it may prove the provocative

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occasion, may well lead many to regard as wise and far-reaching forecast the doctrines and counsels of that speech.

I refrain from further notice of specific speeches, remarking that it will prove difficult to find, in the whole field of Congressional discussion, the speeches of any one man, which, for facts, and argument, and illustration combined, embody so much pertinent and valuable information upon the subjects in hand—so much intelligible development—so much of potent and convincing treatment, by logic, by analogy and by example. The statesman, the jurist, the politician, and the unprofessional and untitled citizen, may be largely instructed, and edified, and strengthened by the attentive study of them.

I have thus passed in hasty review Judge Collamer's Congressional career. I close the exhibition of his public character by a few additional remarks. Judge Collamer was regarded as conservative. He was so in all things;—but, in his official traits, he was so in the sense that he would have the Constitution preserved and permitted to operate with full vigor over the whole nation, and over every department of the Government in all relations, National and State,—that it should be the rule upon the Executive, and upon the Congress, as well as upon the States, and the people in rebellion. At the same time, he was in fact radical, in that he would have the whole power of every department of the Government exhaust itself, with the addition of the power and means conferred and warranted by laws of war, in crushing the rebellion, and eradicating the causes from which it had sprung—extending to the obtaining, if not indemnity for the past, at any rate, security for the future. He had none of the qualities of a politician, in the popular sense and use of that word. His native qualities and composition, his outflowing tendency and habits of mind, did not fit him for that character on the public stage. He could not be a leader, nor indeed an unquestioning, servile follower. It was for him to inquire into, reflect upon, and reason about subjects and

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matters of important public and personal interest, and to enlighten men touching their duty in respect thereto; and not merely to adopt a policy and devise measures, from considerations of, and with reference to, securing party, or personal success, by enlisting popular enthusiasm, or unintelligent popular judgment in their favor. His influence was not that of the zealot, or the party leader, or the popular favorite; it was not exerted through politic management, or by resorting to expedients; it was not the result of personal favor towards himself; begetting a disposition on the part of others to gratify his wishes; but it flowed from the broad practical good sense and soundness of his views, the amplitude and clearness with which he developed them—the strength of reasoning and the earnest faithfulness with which he maintained them, his moral integrity, his conscientious uprightness, his unfailing purpose to be right himself, and to be fair and just towards those who differed from and opposed him.

He was neither a projector of new schemes, nor an adventurer in pursuit of novelties projected by others; and yet, with reference to practical matters in hand, he was as fruitful as he was skilful and judicious in devising feasible and legitimate measures and means for attaining desired results. His administration of the public lands, his conduct of the general Post Office, his conduct of the Kansas complication, his bill of July 13th, 1861, his various suggestions of alteration and amendment in bills and resolutions drawn up by others, fully illustrate him in these respects.

His convictions and his conscience were to him a higher law than the prerogatives and behests of party, or the prudential considerations of temporary policy. While his party affiliation was matter of conviction and conscience, he was not, by such affiliation, committed to all the detail of party measures, in such a sense as to cause him to refrain from condemning and denouncing what he deemed wrong in principle, or of public detriment in results. In these characteristics lay the secret of his great influence as a Senator. He was a virtuous patriot statesman.

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I have thus essayed to set forth and illustrate as well as my inadequate ability would enable me, having reference to the occasion, and more at length than the patience of my audience—perhaps than the proprieties of the occasion would justify—the qualities and the character that, in their public development, called forth from the ablest, the wisest, the most learned of his surviving associates of the Senate, the expression, already recited, by Senator Anthony; that also by his colleague, our lamented Foot, viz.: that "few public men have left a more excellent or a more honorable record;" also that by Senator Harris of New York: "the Senate has indeed lost one of its ablest statesmen, one of its purest patriots. In honoring such a man we honor ourselves. No purer patriot ever participated in the councils of the nation. No stain rests upon his honored name;" also that by Reverdy Johnson of Maryland: "The universal sentiment seemed to be that under the guidance of such wisdom as his, all would be well; that his exposition of the policy suited to the vital difficulties of the hour would be so clear and statesmanlike, as materially to influence the deliberations of Congress, inform and satisfy the public judgment, and hasten their safe and speedy settlement;" also by Mr. Fessenden of Maine: "Among the distinguished men who during the past ten years have occupied these seats, I regard Senator Collamer as having no superior. I venerated and loved the man as one regards an elder brother, upon whose superior knowledge, and wisdom, and unselfish singleness of heart, he feels he may, in all emergencies, safely rely;" also by Mr. Dixon of Connecticut: "The Nestor of the American Senate has been called from the scene where his counsels have been so often heard, and his wisdom was so justly honored;" also by Mr. Riddle of Delaware: "In the death of Judge Collamer I think Vermont has lost one of her brightest jewels, the Senate one of its most courteous members, and the country one of its greatest statesmen. He was great in feeling, great

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in thought, great in principle, and great in action;" also by Mr. Sumner: "Since Henry Clay left this chamber by the gate of death, no Senator has passed that way crowned with the same honorable years as Mr. Collamer; nor has any Senator passed that way whose departure created such a blank in the public councils, unless we except Mr. Douglass. He was our most venerable associate: but his place here had not shrunk by time. He was not so old that he was not often the life of the body;" also by his successor in the vacated Senatorial chair: "Sir, I have never known any man who came nearer attaining the full measure of what I believe to have been the great object of my predecessor, in the performance of all the duties of life, from the humblest to the highest, to be a just man before God and his fellow-men."

The testimonials, proffered by those commissioned, as it were, to express the Nation's thought, as a perpetual memorial of the exalted worth of the departed Senator, present him as one of the most instructive and moving examples of the power of the moral virtues, of an upright life, as auxiliary to the natural endowments and the acquired faculties of the mind, giving them increased effectiveness in achieving exalted fame by the pursuit of noble ends.

It is evident, I think, that, during his life, Judge Collamer's greatness was more distinctly and expressly recognized abroad, than within our own State. Many of his fellow-citizens appreciated him fully and truly; but, while the general public thought him 'a pretty smart and a very likely man,' I think that that public, in its estimate of his real merit and standing, as compared with the known great men of the nation, by no means came up to many other sections of the country. In this respect he shared the consequences of having spent his life in the service of a small, inland State,

> "Whose lot and care
> A few paternal acres bound,"—

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whose population is more interested in, and more appreciative of, a moderate prosperity, and mediocrity general intelligence, and homespun domestic comfort, than the scenes and actors "in the world's broad field of battle." A man who becomes great in Vermont is not made so, to any great extent, by the factitious aid, either of pen or voice, prompted by State pride, or State ambition. There is in it little of that faculty, and less of the habit, so characteristic of some other States, of making it known to the world that all her men in office are very great,—a faculty and habit by which often a very inconsiderable amount of "the raw material" is made to assume a very magnific and imposing figure to all but those who know the subjects by personal contact and discriminating insight. Often Vermonters do things on the public stage that receive, within the State, but a passing notice, but which, if done by citizens of some of the larger and more assuming of the States, would awaken the entire press and many voluble tongues to the most swelling phrase of boastful eulogy. Often Vermont has had servants on the public stage, who have acted their parts, and retired within the folds of the sable curtain, with but the mute commendation implied in their being selected to sustain such parts; but who, if holding like parts as citizens of the more important States, would be the quotation and boast of all within the same, and trumpeted aloud to the nation's open ears.

We had a Chipman, who, in all the qualities of a great juridical scholar and a great judge, was not inferior to the illustrious Chief Justice Parsons of Massachusetts. We had a Prentiss, not second in the same qualities to Chancellor Kent, of whom Chancellor Kent himself said, that he had but one if any equal in New England, and that was Judge Story. We had a Marsh, who, in the qualities of a great lawyer, was the peer, as well as cotemporary of his cousin, Jeremiah Mason. We had a Phelps, who, in magnitude and power of intellect, as manifested at the Bar and in the Senate, was only second to Daniel Webster.

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We had a Collamer, who, for the general and accurate knowledge that constitutes the magazine of the Senatorial debater and the statesman, was not second to Benton, and who, for his mastery of American constitutional law, after the demise of "the Great Expounder," was regarded at Washington as the foremost of the nation; yet, how little are those great Vermonters known and regarded in Vermont, as are the others I have named in comparison, in the States which glory in them as their citizens, and in the nation that glories in them as among the most lustrous of her jewels.

I presume to add, that the *world* has a POWERS—Woodstock is the place of his birth and boyhood; *America* has a MEAD—Brattleboro is his home,—the former ranking with the foremost *mature*, the latter with the most promising *young* sculptors of the age—both now in Florence achieving the highest triumphs of their art;—yet no statue of our Collamer fills a niche reserved for Vermont in the Statuary Hall in the National Capitol!

Affected by a consideration of these facts, I have felt warranted, nay, I have felt called upon by duty, to be somewhat more full in detail and elaborate in development, in dealing with the subject assigned, than may have been expected—than even may be relishable. A few miscellaneous strokes are needed to complete, in my idea, what I am undertaking to do.

In addition to what I have incidentally said or indicated, I now remark in general, that in the opening paragraph of his speech of April 24, 1862, on the "Bill to confiscate the property and free the slaves of rebels," Judge Collamer both expressed and illustrated what was true of him in the main, as to the quality and manner of his forensic efforts, when he said: "I have prepared no rhetorical discourse, I have no figures of rhetoric set down in a note book and conned by rote. What I have to say is matter of business, and I shall talk right on, for I am in earnest about what I have to say

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—too much in earnest to undertake to find figures of rhetoric, or any thing by way of embellishment or adornment."

It is perfectly obvious that he, who made that sentence in that presence, and on that occasion, could not make figures of rhetoric, and would be likely to make peculiar, not to say amusing use of them, if he perchance should find them. His safety and his success consisted in his 'talking right on,' as 'matter of business,' 'in earnest about what he had to say'—and leaving the finding and use of 'figures of rhetoric' to those who might feel the need of something 'by way of embellishment or adornment.'

I doubt whether Judge Collamer gave any attention to ancient classical learning after he left college; nor did I discover, in my association with him, or in his printed opinions as Judge, or his speeches and reports, much interest in, or conversancy with, English classical literature. He had obviously never studied with the view of achieving the character of a classical or literary scholar. He had not formed to himself, nor pursued, any course of systematic literary cultivation. He had read extensively, but mainly as matter of business, incidentally for amusement and recreation, prompted by the purpose of qualifying himself for the practical duties of his profession and his official positions.

In the law, within the scope of his practice and his judicial service, he was thoroughly grounded in the substantial learning. So in politics, in its various departments and aspects, he was master of all history, all statistics, all principles. In science and the practical arts he mastered what was needed for the purposes and occasions he was called on to serve. For a considerable period he was Professor of Medical Jurisprudence in the Vermont Medical College located at Woodstock, which, for the ability of its Faculty, and the number of its students, was for several years the foremost Medical School in New England. He gave to the successive classes a short, but very instructive course of lec-

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tures in his department. From time to time, beginning with 1845, he made addresses before Agricultural Societies of the most interesting and edifying character, showing great fulness of knowledge, derived from reading, and intercourse, and observation, upon the subjects and interests involved in their exhibitions.

Many of my audience know with what fulness of instruction, with what intelligible plainness, with what point of humorous illustration, he was accustomed to address public gatherings for political purposes. Some of them must have an abiding impression of him the last time he appeared in this Hall, on an evening in November, 1864, then almost seventy-four years old, when, from this desk, he, for an hour and a half, discoursed to a large assembly, as no other man in Vermont, and few men in the nation, could discourse, in exposing the groundlessness and the wicked abomination of the doctrines which had led to secession, and brought forth the horrors of the raging war—what fulness and clearness in his analysis and marshalling of facts—what force of reasoning —what conclusiveness of inference and result.

His biblical knowledge was thorough and well digested. He had no fondness for polemic theology, and read little in that line. He was, however, strongly grounded and entrenched by all the substantial evidences of the inspired authenticity of the Holy Scriptures, and deeply imbued with their great truths as "the anchor of the soul, sure and steadfast." In the earlier years of his residence in Woodstock he delivered a very instructive course of popular lectures upon the authenticity of the Bible.

On the whole, he was a very learned man, in the sense of having vast stores of knowledge, with great fulness and accuracy, upon all subjects of practical interest and importance in his various vocations and relations in life.

While I think he had not much conversancy with classic English literature in general, he was obviously familiar with some of the classic authors, as Milton, and Shakspeare, and

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Goldsmith, and Cowper, and Campbell, and Burns. I doubt, however, whether they were read and admired by him mainly for their qualities and merits as being poetry instead of prose. He once said to me that he deemed Campbell as the best of the English poets, and his "Pleasures of Hope" as the best piece of English poetry.

Excuse the introduction of an incident. I submitted this manuscript to the perusal of a friend.* He returned it with a note, in which he said: "When reading this page, it came to my mind that once the Judge and I took a walk together in Washington, and as we were passing the general Post-Office, he remarked to me, 'I don't claim to be a literary man, but when I was at the head of that Department,' (pointing to the Post-Office,) 'I certainly was a *man of Letters*.'"

His style of speech and composition seems to indicate that he had small appreciation of rhythm and euphony in the use of language. It would lead one to think that, when he had got the words, which, in themselves, and in their collocation, embodied his idea as it lay in his own mind, he felt no further interest in the making up of his expression or sentence. I doubt whether he ever changed a word for its synonym, or changed the arrangement of words in a sentence, or omitted the repetition of the same word, with a view to the facility of utterance, or to euphonic grace, or rhetoric elegance. It resulted hence, that, while his style would hardly be adopted as a model of classic elegance, it may be referred to as distinguished for its condensed comprehensiveness, precision and perspicuity. Nobody ever failed to understand the meaning of his expressions, and they meant just what he said.

He had none of the Telleyrandic faculty of using language 'to conceal ideas.' His astuteness and precision in his apprehension of the meaning and force of words as members of a sentence, particularly in all matters pertaining to law and

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* Frederick Billings.

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legislation, and the accurate statement of propositions, and the linking of a chain of logic, were hardly surpassed by any of the most skilful masters of the English tongue. Mr. Sumner, one of its most trained and accomplished masters, said of him: "He spoke accurately, and he was accurate with his pen. Perhaps nobody was apter in the style or language of legislation. He was an excellent draughtsman, although, without doubt, too professional for a taste not exclusively professional."

His fondness and facility for the use of humorous anecdote and incident by way of hit, and point, and illustration, characterized his debates on the gravest and most momentous subjects in the Halls of Congress, and, while in the main he was genial and complaisant in expression and manner towards his antagonists, yet he gave them to feel that he was not, with impunity, to be trifled with, slighted, or vilified. While the reports of the current proceedings in Congress abound in instances of this kind, they contain but one in which he openly and defiantly denounced a fellow member.

Mr. Joseph Morris of Ohio, in a speech in the House, had charged, that members of the Committee on Public lands had been under the influence of personal and private interests in reporting a certain bill. On being called on by Mr. McClernand, and by Judge Collamer, to specify whether he meant *them*, and Morris refused to answer except by putting them to disclaim, as the condition of his exoneration, Judge C. said,—"But, if the gentleman meant to persist in his charge, and directed it against him, he would here say, that the charge was unqualifiedly and absolutely FALSE,"—the 'false' printed in capitals in the Globe,—whence I infer it was rather emphatic when pronounced. Morris the next day took it all back.

One thing was noticeable throughout his life in Congress, and especially during his life in the Senate—viz. the readiness, and aptness, and point, with which he replied to questions put to him in the progress of business and debate, and

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particularly when put by way of quizzing interruption, with a view to his own embarrassment, or to gain to the other party. The instances are very rare in which such adversary questioner did not get something more unsatisfactory than a 'flea in his ear.'

My sketch would be quite too incomplete, if I should omit from it a brief notice of Judge Collamer in his home relations.

As a citizen, a neighbor, a friend, he was honest, frank and kind; not demonstrative, meddlesome, or officious; but sensibly, substantially, and freely responding to the requirements of duty, and the impulses of a generous interest in the current of events and incidents in life and society. His prosperity in "worldly gear" was never commensurate with his success in high intellectual and moral achievement; and, till within the last few years, his income made it needful for him to practise a prudent economy in maintaining an appropriate decency in his household establishment and social intercourse. I have reason to suppose, that, when he entered Congress in 1843, he had not much property besides his comfortable, but unadorned, residence. His nine years on the Bench had resulted in no surplus, after paying the current expenses of living and maintaining his family—moderate as those expenses then were; when, however, the salary, small as it then was, was a more adequate resource than the present salary now is for like expenses, paid as it is in Greenbacks, or something equally depreciated, as the money with which to buy provisions and pay bills at present prices.

His Congressional pay and his professional income obviously improved the condition of his finances—as has been the case with other Judges, who have exchanged the Bench, for the less wearing toils of professional and political life—and he began to enlarge his domain, and improve the condition and appearance of his house and grounds, till they gradually became the very delightful, but unostentatious family home that they now are.

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The tastes and habits of his family were moulded to the exigencies of his condition, and it resulted in a well ordered establishment, in which social hospitalities were dispensed with agreeable, but unpretentious grace—free from extravagance, yet up to the full requirement of the proprieties of his position and means.

He had a quick and practised eye for the proprieties and beauties of simple architecture, and for the function of art in enhancing the beauties of nature, as accessory to the pleasantness of village life. This was often manifested not only in the gradually increasing beauty of his own home, but in his suggestions in aid of his neighbors, the Parish, and the County. The present condition of the Church where he was a constant worshipper, as well as the excellence of our Court House, witness to his interest and judicious participation in their making up.

In his intercourse with his neighbors and his fellow citizens, unless when burdened with some important subject that was engrossing his mind, or tormented by that Pandora of all human ills—confirmed Dyspepsia—he was free, and genial, and instructive, and amusing. With all his habitual dignity, and his 'authentic air,' in pronouncing his views in public place, he had nothing of 'Sir Oracle' in his social conversation. Children loved him.

His hold upon the confidence of all who knew him—his neighbors, his townsmen, his fellow-citizens of the County, was very strong. The willingness with which matters of difference were submitted to his decision, the disposition to ascertain his views as a light and a guide in matters of doubt or difficulty, the general acquiescence in the views and opinions he expressed, all indicated affirmatively the estimate that was entertained of his qualities and character. But there was a negative demonstration in this respect, that was more significant than any open commendation and endorsement—namely—that, during the more than twenty five years that I lived his neighbor, in the relations indicated in the

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opening of my remarks, I never heard his integrity, his honesty, his moral purity, his domestic constancy and virtue, reflected upon unfavorably by any body, of any party, sect, or interest.

He made a profession of religion and became a member of the Congregational Church in Royalton in 1825, under the pastorate of Rev. Joseph Torrey, subsequently, and for many years, Professor in the Vermont University, and known throughout the world of letters as one of the most learned scholars, and one of the purest men of his day. That profession Judge Collamer maintained and adorned till he lay down to rest upon "the couch of lasting night," until "beauty immortal awakes from the tomb!"

I am not authorized to dwell upon him in the sacred relations of husband and father, beyond saying that he was one of the fondest and most affectionate,—one of the most loving and beloved.

I close with the crowning climax of all the eulogium that has been pronounced upon the upright, faithful citizen, the great Jurist, Judge, Statesman, Senator, in the words of Senator Anthony: "Judge Collamer was a man of simple and sincere piety, * * * and illustrated in his public and in his private life the faith he professed."

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MEMORIAL ADDRESS

ON THE

LIFE AND CHARACTER

OF THE

HON. JACOB COLLAMER.

READ BEFORE THE

VERMONT HISTORICAL SOCIETY,

IN THE REPRESENTATIVES' HALL,

OCTOBER 20, 1868.

BY

JAMES BARRETT, LL. D.,

JUDGE OF THE SUPREME COURT.

WOODSTOCK, Vt.
1868.

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